



GENERAL ORDER

DURHAM POLICE DEPARTMENT
DURHAM, NC

NUMBER:

4009 R-3

FIREARMS & CONDUCTED ELECTRICAL WEAPONS DISCHARGE REPORTS

Effective Date: *Initially*
(*Aerosol Weapons*) –
12/15/1995, Reassignment –
01/31/2013

Revision Dates: Initially – R-1 01/10/2005; Rescinded 04/21/2008;
Reassigned 01/31/2013; R-1 06/11/2014; R-2 01/26/2016; **R-3**
01/23/2017

INTRODUCTION:

It is the policy of the Durham Police Department to ensure that all members of the agency, whether on- or off-duty, are required to handle all firearms and conducted electrical weapons (CEWs) in a safe and responsible manner. Any intentional discharges of a firearm or CEW, with the exception of use against an animal, must be reported in accordance with General Order 4008 – Use of Force. For incidents not reported in accordance with General Order 4008 – Use of Force, the following procedures apply.

ACCIDENTAL DISCHARGE OF FIREARMS OR CEWS WITHOUT CAUSING INJURY TO OTHERS:

Whenever an officer discharges his or her firearm or CEW in a circumstance unrelated to taking an enforcement action, the following steps shall be taken:

- The officer shall immediately notify his or her supervisor;
- The officer shall complete an Incident Report and submit same to his or her immediate supervisor;
- The officer's Commander shall ensure that a Firearms Discharge Report and a Performance Review are completed;
- The completed Performance Review shall be submitted to the Professional Standards Division via Blue Team;
- If the discharge is from a firearm, and there is a possible defect in the weapon, the officer will deliver the weapon to the Department Armorer the next business day to be assessed for defects.

Some examples of when the aforementioned procedures should be followed include but are not limited to: accidental discharges while cleaning the weapon; accidental discharges while involved in a foot chase; accidental discharges while attempting to holster the weapon; accidental discharges while spark testing the CEW; etc. In such cases, a Use of Force Report is **not** necessary. This directive is applicable within and outside of our jurisdiction.

Any discharges that result from an action that is an **intentional** application of force, such as having the weapon

trained on a violator, or an accidental/unintentional discharge that **causes injury to a person** will be investigated as a Use of Force pursuant to General Order 4008 – Use of Force.


A firearm or CEW discharge ruled as an accident, without causing injury to others, will not constitute a use of excessive force for the individual.

ANIMALS AND THE DISCHARGE OF A FIREARM OR CEW

Whenever an animal is subjected to a firearm or CEW discharge, other than for the purposes of humane euthanasia, the same reporting procedures described above for accidental discharges will be followed. Examples include: discharge that takes place as a means of self-defense against a vicious animal, defending others from a vicious animal attack, or to protect a police canine from attack. If the discharge of a firearm or CEW is for the humane euthanasia of an animal, the completion and submission of an incident report is not required. The documentation of the discharge will be satisfied by submitting a Blue Team “Firearm Discharge”.

PROFESSIONAL STANDARDS REVIEW

Whenever an officer discharges his or her firearm or CEW in a circumstance described in this policy, the Professional Standards Division will evaluate the Performance Review pertaining to the circumstances of the accidental discharge to determine if there were any policy or procedural violations. Officers may be subject to discipline if it is found that an accidental discharge was due to a policy/procedural violation, carelessness or recklessness of the officer.


Cerelyn J. Davis
Chief of Police